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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KEVIN LEE KENNEDY,

Plaintiff,

v.

DAN WATTS et al.,

Defendants.

Case No. 3:17-cv-00468-MMD-WGC

ORDER

I. DISCUSSION

Plaintiff, who is a pretrial detainee county inmate being housed as a “safekeeper” at Ely State Prison, has filed multiple supplements appearing to add more claims to his complaint. (See ECF Nos. 4, 5, 6, 7, 10). The Court will not piecemeal Plaintiff’s complaint together. Plaintiff’s operative complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. As such, the Court grants Plaintiff leave to file a fully complete first amended complaint.

If Plaintiff chooses to file a first amended complaint he is advised that a first amended complaint supersedes (replaces) the original complaint and, thus, the first amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original”); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims

1 in a subsequent amended complaint to preserve them for appeal). Plaintiff's first
2 amended complaint must contain all claims, defendants, and factual allegations that
3 Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the first amended
4 complaint on this Court's approved prisoner civil rights form and it must be entitled "First
5 Amended Complaint."

6 **II. CONCLUSION**

7 For the foregoing reasons, IT IS ORDERED that, if Plaintiff chooses to file a first
8 amended complaint, Plaintiff shall file the first amended complaint within 30 days from the
9 date of entry of this order.

10 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
11 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
12 complaint and supplements (ECF Nos. 1-1, 4, 5, 6, 7, 10). If Plaintiff chooses to file a first
13 amended complaint, he must use the approved form and he shall write the words "First
14 Amended" above the words "Civil Rights Complaint" in the caption.

15 IT IS FURTHER ORDERED that, if Plaintiff does not timely file a first amended
16 complaint, the Court will screen the original complaint (ECF No. 1-1) only and strike all
17 other supplements (ECF No. 4, 5, 6, 7, 10) from the docket.

18 DATED: July 6, 2018.

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20 UNITED STATES MAGISTRATE JUDGE